

# The Odisha Gazette

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

---

No. 852, CUTTACK, MONDAY, MAY 16, 2016 / BAISAKHA 26, 1938

---

SECRETARIAT  
OF  
THE ODISHA LEGISLATIVE ASSEMBLY  
NOTIFICATION

The 13th May, 2016

No.5294/L.A.—The following Bill which has been introduced in the Odisha Legislative Assembly on the 13th May, 2016 is herewith published under Rule 68 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly for general information.

**THE ODISHA PANCHAYAT LAWS (AMENDMENT) BILL, 2016**

**A**

**BILL**

FURTHER TO AMEND THE ODISHA GRAMA PANCHAYATS ACT, 1964,  
THE ODISHA PANCHAYAT SAMITI ACT, 1959 AND THE  
ODISHA ZILLA PARISHAD ACT, 1991

**B**E it enacted by the Legislature of the State of Odisha in the Sixty-seventh Year of the Republic of India as follows:—

CHAPTER I  
PRELIMINARY

Short title and  
commencement.

1.(1) This Act may be called the Odisha Panchayat Laws (Amendment) Act, 2016.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

CHAPTER II  
AMENDMENT TO THE ODISHA GRAMA PANCHAYATS ACT, 1964.

Amendment  
of section 10.

2. In section 10 of the Odisha Grama Panchayats Act, 1964 (hereinafter referred to as the Grama Panchayats Act), in clause (a) of sub-section (4), for the words "after every two terms of general election", the words "at every general election" shall be substituted.

Odisha Act, 1  
of 1965.

Amendment  
of section 24.

3. In section 24 of the Grama Panchayats Act, in sub-section (4), for the words "two years", the words "two years and six months" shall be substituted.

Amendment  
of section 25.

4. In section 25 of the Grama Panchayats Act, in sub-section (1), clause (e) shall be omitted.

Amendment  
of section 44.

5. In section 44 of the Grama Panchayats Act, in sub-section (1), in clause (p), for the words "destruction of ", the words "control of " shall be substituted.

Amendment  
of section 55.

6. In section 55 of the Grama Panchayats Act,—  
(i) in sub-section(1),—  
(a) for the words "a Grama Panchayat may", the words " a Grama Panchayat with the approval of the Grama Sabha may" shall be substituted;  
(b) clauses (b), (c), (d), (e), (o) and (q) shall be omitted; and  
(c) after clause (w), the following clause shall be inserted, namely:—  
"(w-1) installation and functioning of telecommunication towers, hoardings for commercial purpose;" ;  
(ii) in sub-section (3),—  
(a) in clause (a), for the words "The Grama Panchayat may", the words "The Grama Panchayat with the approval of the Grama Sabha may" shall be substituted; and  
(b) for clause (b), the following clause shall be substituted, namely:—  
"(b) In case the Grama Panchayat decides to refuse to grant the license, it shall communicate its decision to the Collector of the district who on receipt of the information from the Grama Panchayat and after conducting such inquiry, as he deems fit, shall take appropriate decision on the matter."

Amendment  
of section 56.

7. In section 56 of the Grama Panchayats Act, for the words “a Grama Panchayat”, the words “a Grama Panchayat with the approval of the Grama Sabha” shall be substituted.

Amendment  
Of section 57.

8. In section 57 of the Grama Panchayats Act, for the words “The Grama Panchayat may”, the words “The Grama Panchayat with the approval of the Grama Sabha may” and for the words “the State Government by notification”, the words “the Collector by order” shall be substituted.

Insertion  
of new  
section 57-A.

9. In the Grama Panchayats Act, after section 57, the following section shall be inserted, namely:—

“57-A. Any person aggrieved by the decision of the Grama Panchayat under sections 55, 56 and 57 may prefer an appeal before the concerned Revenue Divisional Commissioner whose decision thereon shall be final.”.

Amendment  
of section 71.

10. In section 71 of the Grama Panchayats Act, after sub-section(4), the following sub-sections shall be inserted, namely:—

“(5) The Collector of the district shall review or cause to be reviewed the properties of every Grama Sasan in the month of December every year and on such review, if he finds that any property has not been vested in the Grama Sasan, then he may recommend the State Government for vesting of the said property with the Grama Sasan.

(6) The Collector of the district, while reviewing the properties under sub-section(5), shall also review or cause to be reviewed whether the name of the Grama Panchayat has been properly recorded in the Record of Rights maintained in the Tahasil Office in respect to the landed properties including tanks and orchards transferred to the Grama Panchayat concerned and during such review, if the Collector finds that the same is not properly recorded in the name of the Grama Panchayat, he shall direct the concerned authorities for its proper recording.”.

Amendment  
of section 83.

11. In section 83 of the Grama Panchayats Act, in the opening portion, after the words "Subject to the provisions of this Act and Rules made thereunder", the words "and with the approval of the Grama Sabha" shall be inserted.

Amendment  
of section 94.

12. In section 94 of the Grama Panchayats Act, in the second proviso to sub-section (2), for the words "the Jawahar Rozgar Yojana", the words "different State Schemes, Central Schemes or Centrally Sponsored Schemes" shall be substituted.

Amendment  
of section 122.

13. In section 122 of the Grama Panchayats Act,—

(i) in sub-section(1), in the opening portion, for the words "There shall be an Executive Officer for every Grama Sasan", the words "For every Grama Sasan there shall be a Panchyat Executive Officer to be appointed by the Collector" shall be substituted;

(ii) for sub-section (2) including *Explanation* thereto, the following sub-section shall be substituted, namely:—

"(2) The Panchayat Executive Officers appointed under sub-section (1) shall act as such within the local area of such Grama or Gramas as may be assigned to them by the Collector."

(iii) in sub-section (3), for the words "Executive Officer", the words "Panchayat Executive Officer" shall be substituted.

### CHAPTER III

#### AMENDMENT TO THE ODISHA PANCHAYAT SAMITI ACT, 1959.

Amendment of  
section 16.

14. In section 16 of the Odisha Panchayat Samiti Act, 1959 (herein after referred to as the Panchayat Samiti Act), in clause (b) of sub-section (2-A), for the words "at the end of every two terms of general election", the words "at every general election" shall be substituted.

Odisha  
Act , 7 of  
1960.

Amendment  
of section 45.

15. In section 45 of the Panchayat Samiti Act, in sub-section (1), clauses (e) shall be omitted.

Amendment of  
section 46-B.

16. In section 46-B of the Panchayat Samiti Act, in sub-section(4), for the words "two years", the words "two years and six months" shall be substituted.

#### CHAPTER IV

#### AMENDMENT TO THE ODISHA ZILLA PARISHAD ACT, 1991.

Amendment of  
section 6.

17. In section 6 of the Odisha Zilla Parishad Act, 1991 (hereinafter referred to as the Zilla Parishad Act), in clause (b) of sub-section (3-A), for the words "at the end of every two terms of general election", the words "at every general election" shall be substituted.

Odisha  
Act , 17  
of 1991.

Amendment of  
section 33.

18. In section 33 of the Zilla Parishad Act, in sub-section (1), clause (d) shall be omitted.

Amendment of  
section 39.

19. In section 39 of the Zilla Parishad Act, in sub-section (4), for the words "two years", the words "two years and six months" shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

Consequent upon growth of population, it is proposed to reorganise the Grama Panchayats in the State which will consequently increase in the offices of the Sarpanches, Ward Members, Panchayat Samiti Members and Zilla Parishad Members and will therefore affect the reservation for such provision. In the present codal procedure, the reservation for Scheduled Castes and Scheduled Tribes are to continue for two terms of general election. In view of reorganisation of Grama Panchayats, the present system of continuance of reservation for two terms of general election will bring administrative difficulties. Accordingly, it is proposed to amend the provisions of OGP Act, 1964, OPS Act, 1959 and OZP Act, 1991 suitably.

It is experienced that "No Confidence Motion" is being moved against the Chairpersons of the PRI Bodies on completion of two years according to the provisions of Law. Now, the period of two years is a small time for planning, implementing and monitoring the Schemes and programmes which are implemented at grassroots level. Therefore, the period of two years be enhanced for another six months so as to enable the Chairpersons to hold office for two years and six months.

The provisions relating to disqualification on the ground of deaf-mute, TB or Leprosy now available in the Act are practically become redundant as these diseases are now curable. Therefore, this disqualification is proposed to be amended from the Law.

Certain provision contained in the OGP Act relating to grant of license etc. are required to be relooked in view of the change scenario at rural level. Moreover, the designation of Village Level Worker has been changed as Panchayat Executive Officer. In view of this, the provisions relating to such aspects in the OGP Act are suggested for amendment.

The Bill seeks to achieve the above objectives.

ARUN KUMAR SAHOO

Member-in-Charge

A. K. SARANGI

SECRETARY

Odisha Legislative Assembly